

MINUTES OF THE REGULAR MEETING OF THE PLANNING BOARD OF
THE VILLAGE OF IRVINGTON HELD IN THE TRUSTEES' ROOM,
VILLAGE HALL, ON WEDNESDAY, SEPTEMBER 2, 1998.

Members Present: Patrick J. Gilmartin, Chairman
William Hoffman
Peter Lilienfield
Allen Morris
Patrick Natarelli

Also Present: Kevin J. Plunkett, Village Counsel
Tim Miller, Consulting Engineer
Eugene Hughey, Building Inspector
Florence Costello, Planning Board Clerk
Robert Citarell, E.C.B. Member
J&L Reporting Service, for Westwood
Development Associates
Applicants and other persons mentioned in
these Minutes
Members of the Public.

IPB Matters

Considered: 94-03 -- Westwood Development
Associates

Sht.10,P25J2,25K2;Sht.10C,B1.226,Lots 25A,26A
Sht.11,P-25, 25J
96-13 -- Louis W. Goodkind
Sht. 10F, Bl. 254, Lot 15
98-12 -- Boran Construction Company
Sht. 5, Bl. 212, Lot 4 & 5
98-29 -- Spectrum Irvington Corp.
Sht. 12B, Lot #69
98-30 -- Michael & Marie Jewell
Sht. 5, Bl. 209, Lot 11
98-33 -- Spectrum Irvington Corp.
Sht. 12B, Lot #23
98-34 -- Spectrum Irvington Corp.
Sht. 12B, Lot #51
98-35 -- Spectrum Irvington Corp.
Sht. 12B, Lot #57
98-36 -- Spectrum Irvington Corp.
Sht. 12B, Lot #68
98-37 -- Joel & Sheri Poznanski
Sht. 10C, Bl. 226, Lot 20
98-38 -- Marriott Senior Living Services,
Inc.
Informal Discussion
98-39 -- Eileen Fisher
Sht. 2, P-109P6, 109P9
98-40 -- Jeffrey Link
Sht 13B, P-43C

The Chairman called the meeting to order at 8:00 p.m.

With reference to a Local Law adopted by the Village Board prohibiting the Board from considering any application concerning property on which taxes are delinquent, Mrs. Costello advised the Board that the Village Clerk-Treasurer had confirmed that all properties on the Agenda were current as to taxes and fees.

IPB Matter #96-13:
Goodkind for Limited

Application of Louis W.
Site Plan Approval of property at
Harriman
Road and Fieldpoint Drive.

Gerald D. Reilly, Esq., appeared for the applicant. He requires an amendment to the previously approved Subdivision Map dated December 20, 1996, last revised July 7, 1998. A change of hydrant location and other water service alternatives are required for Health Department approval. The Board approved "Amendment to July 1, 1998 Resolution for Final Layout Approval of Goodkind Subdivision and for Limited Site Plan Approval", dated September 2, 1998.

IPB Matter #98-37:
Poznanski for

Application of Joel & Sheri
Waiver of Site Development Plan
Approval for
property at 74 Riverview Road.

Messrs. Joel Poznanski and James Dunn appeared for the Application. Applicant paid the required application fee and submitted evidence of mailing of required Notice to Affected Property Owners. The proposed development consists an addition which will add a total of about 560 square feet of floor area on a total of two floors, a total of about 4000 cubic feet to the existing residence. The project, when completed, will increase the footprint of the present building by 160 square feet. Drawings prepared by John J. Anunziata, P.E., dated 8/19/98 were submitted.

The Chairman called for public comment. Mr. John Park an abutting neighbor, objected citing a number of issues, but primarily related to proximity and privacy problems, (Exhibit I prepared by Nobile, Magarian & DiSalvo, LLP, attached). Both Mr. Park and Mr. Poznanski

agreed to postpone the application until the October meeting. This will provide time for both parties to agree to a screening plan.

IPB Matter #98-38: **Application of Marriott**
Senior Living Services **for an Informal Preliminary**
Discussion of Site **Plan for property at**
Murray/Griffin Estate.

Gerald E. Loehr, Esq., appeared on behalf of his client, Marriott Senior Living Services, Inc., for an informal meeting with the Board. He presented a brief description and pictures of their plan to develop the Murray/Griffin property as an assisted living facility.

Mr. Loehr said that based upon his reading of the Village Code he believed that the Planning Board had the authority to grant a Special Permit for the proposed use of the property without need for action by the Village Board although action by the Zoning Board of Appeals might also be necessary. After listening to his position, the Chairman informed Mr. Loehr that he read the applicable statutes differently and did not think the procedure Mr. Loehr was suggesting was a valid procedure to authorize the use of the property as an assisted living facility but invited Mr. Loehr to write the Village attorney outlining his position and ask for the Village Attorney's view. The Board informed Mr. Loehr that in their collective view the proper forum for the authorization to use the Murray/Griffin property as an assisted living facility was the Village Board and that to do otherwise could be perceived as an attempt to circumvent the Village Board. Mr. Loehr was advised to discuss any proposed legislative changes with Mr. Plunkett, Village Counsel.

IPB Matter #98-30: **Application of Michael &**
Marie Jewell for **Site Development Plan Approval**
for property **at 15 North Eckar Street.**

Samuel F. Vieira, Architect appeared for the Applicant. This application for a two story 16 ft.x20 ft. addition to the rear of existing one family residence, was held over from the July meeting to permit discussion between the Applicant and Mr. Bronnes, his

abutting neighbor, who had pointed out that the proposed construction would require the workers to be on his property. At this meeting, Mr. Bronnes said that he and Mr. and Mrs. Jewell had worked out a mutually agreeable arrangement on the basis of which he would withdraw his objection, but the agreement was only verbal at this point. The Board noted that any approval or waiver of Site Plan Approval given by it would be conditioned on confirmation being received by Mrs. Costello, the Planning Board clerk, that said written agreement had been signed by the Applicant and Mr. Bronnes.

The Chairman, with the Board's concurrence, stated that the application would be treated as a Request for Waiver of Site Development Plan Approval. There were no further comments from the public. The Board then determined that the application is for a proposed action which is a Type II action under SEQRA.

The Chairman noted that in his view the proposed construction was increasing a present nonconforming use in that the existing structure does not meet the side yard setback requirement of the Code and the proposed construction would increase the depth of the building on the lot for a significant distance and that the addition would also not meet the side yard setback requirement. To avoid a problem when the Applicant requests a building permit or a challenge by some neighbor, the Chairman suggested it might be prudent for the Applicant to ask the Village Attorney for an opinion as to whether or not a variance from the Zoning Board would be necessary to permit the proposed construction to proceed in conformity with the code.

After discussion, on motion duly made approved, the Board then adopted the following Resolution:

WHEREAS, the Planning Board has determined in accordance with Section 243-17 of the Village Code that the proposed addition meets conditions which permit Site Development Plan Approval to be waived in the (1) special conditions peculiar to the site exist to make submission of information normally required as part of an application for Site Development Plan Approval inappropriate or unnecessary, including the facts that the proposed construction will not affect any environmental features or resources requiring protection, and will not require major site disturbance or removal of any significant trees, (2) that in these circumstances require strict compliance with the requirements for Site Development Plan Approval may cause extraordinary or unnecessary

hardship; and (3) that the waiver of requirements for Site Development Plan Approval will not have detrimental effects on the public health, safety or general welfare, or have the effect of nullifying the intent and purpose of Site Development Plan submission, the Official Map or Comprehensive Land Use Plan, the Zoning Ordinance of the Village of Irvington, or of any Local Law adopting or amending any of said Map, Plan or Ordinance, **NOW, THEREFORE,** the Planning Board hereby waives all requirements for Site Development Plan Approval for this Application pending Zoning Board of Appeals approval.

IPB Matter #98-29:
Irvington Corp., for

Application of Spectrum

Site Development Plan Approval

for Lot #69,

Legend Hollow Subdivision.

Mr. Craig Studer appeared on behalf of the Applicant. The Chairman re-opened the public hearing carried over from the August 5, 1998 meeting. This Application required a new drawing showing easements of Village drains from street through the property. After discussion, the Board approved "Site Plan (Lot #69), for Spectrum Irvington Corp., undated, last revised August 24, 1998".

IPB Matter #98-12:
Construction Corp., for

Application of Boran

Site Development Plan Approval

for property

at 76 Main Street.

Kenneth Nadler, Architect, appeared for the Applicant. At the July meeting the Planning Board referred this project to the Zoning Board of Appeals for evaluation. The Zoning Board, at its August 18, 1998 meeting, voted unanimously to deny the application for a variance from the density, coverage and parking requirements of Sec.243-36(A)(14) and 243-36(E) of the Irvington Zoning Code. Mr. Nadler agreed to revise his plan and make a proposal at the October 7, Planning Board meeting.

IPB Matter #98-40:
for a Waiver of Site

Application of Jeffrey Link

Development Plan Approval for

property at

28 Lewis Road.

Mr. Padraic Steinschneider appeared for the Applicant. Applicant paid the required application fee and submitted evidence of mailing of required Notice to Affected Property Owners. The proposed development consists of additions totaling 880 square feet of floor area and approximately 8,650 cubic feet of habitable space, including a new master bedroom expansion of 240 square feet, a new family entry and bathroom addition of 230 square feet, and the enclosure of an existing first floor open porch with a new addition at the basement and second floor levels for a new staircase. The proposed additions will increase the footprint of the existing house by 470 square feet, from the current footprint of 3,200 square feet to a proposed footprint of 3670 square feet. After some discussion, Mr. Siegel, a concerned neighbor, and the Board, it became clear this is a question of jurisdiction (ownership) and the Application was held over to the October meeting.

<u>IPB Matter #98-39:</u>	Application of Earl
Ferguson, Architect, for	
	an Informal Discussion for
property at	44 Matthiessen
Park.	

Richard Quigley, Landscape Architect, represented Ms. Eileen Fisher for an informal discussion on a proposed building addition. The Board referred Mr. Quigley to the Environmental Conservation Board and the Tree Committee. Additionally, Mr. Hughey's input on the building plan was suggested. (Note: this parcel is not listed in Open Space Inventory)

<u>IPB Matter #98-33, 98-34,</u>	
<u>#98-35 & 98-36:</u>	Application of Spectrum
Irvington Corp., for	
	Site Development Plan Approval
for Lots #23,	
	#51, 57, and #68.

Mr. Craig Studer appeared for the Applicant. Applicant paid application fees and provided Affidavits of Publication and evidence of mailing of required Notice to Affected Property Owners. E.C.B. comments dated September 1, 1998, Ralph Mastromonaco's memos dated September 2, 1998, and changes requested by the Planning Board during its site walk inspection were considered.

The Chairman recused himself from discussion as he had not attended the site walk and had not had the opportunity to study the drawings.

IPB Matter #98-33:

Lot #23

Mr. Lilienfield opened the public hearing. There were no comments from the public. The Board closed the public hearing and took the following action. It approved "Site Plan (Lot #23) dated 8/5/98, revised 9/1/98".

IPB Matter #98-34:

Lot #51

Mr. Lilienfield opened the public hearing. There were no comments from the public. The Board closed the public hearing and took the following action. It approved "Site Plan (Lot #51) dated 8/5/98, revised 9/1/98".

IPB Matter #98-35:

Lot #57

Mr. Lilienfield opened the public hearing. There were no comments from the public. The Board closed the public hearing and took the following action. It approved "Site Plan (Lot #57) dated 8/3/98, revised 9/1/98", with amendment Note #14: Builder to provide 4-4 1/2 caliper shade tree (oak, maple or linden) in area of north east corner of site near location of existing 24" and 16" twin oak.

IPB Matter #98-36:

Lot #68

Mr. Lilienfield opened the public hearing. There were no comments from the public. The Board closed the public hearing and took the following action. It approved "Site Plan (Lot #68) dated 8/5/98, revised 9/1/98".

IPB Matter #94-03:

**Application of Westwood
Development Associates, Inc.
for Limited Site Development Plan
Approval for
property at Broadway, Riverview Road
and Mountain
Road.**

Messrs. Padraic Steinschneider and Charles Pateman appeared for the Applicant. The most important points were:

- The Board found the DEIS to be complete and adequate for the purpose of public review and comment. For this purpose the Board scheduled a Special Meeting for Wednesday, October 14, at 8:00 p.m.
- Westwood will notify interested parties.
- Ralph Mastromonaco's memo dated September 2, 1998 noted all engineering issues are now complete, and review of Site Capacity/Resource Protection Data Sheets on July 9, 1998 have been approved as correct.
- The School Board, East Irvington Association and Fieldpoint Association all presented school enrollment documents.
- E.C.B. letter dated September 1, 1998 was read into the transcript.
- Considerable discussion ensued on 15% and 25% slopes and their impact on the number of houses allowed on each tract.
- Mr. Leitzes was advised Westwood would be on the regular October 7, 1998 Planning Board meeting.
- Mrs. Katz was advised that the proposed water basins were on Westwood property.

A complete transcript of the proceeding relating to this matter was prepared and is incorporated herein by reference.

The Board then considered the following administrative matters:

The next regular meeting of the Planning Board was scheduled for October 7, 1998 at 8:00 p.m.

A Special Westwood Meeting will be held October 14, 1998 at 8:00 p.m.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Allen Morris, Secretary